

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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L & LEUNG LEATHERWARE LIMITED,

Plaintiff and Counterclaim-  
Defendant,

-against-

COLLECTION XIIX LTD. and LISA NUNZIATA,

Defendants and  
Counterclaim Plaintiffs.

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COLLECTION XIIX LTD. and LISA NUNZIATA,

Third-Party Plaintiffs,

-against-

ANDREW LEUNG,

Third-Party Defendant.

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17 Civ. 7374 (DAB) (GWG)

**JOINT RULE 26(f) REPORT**

Plaintiff and counterclaim-defendant L & Leung Leatherware Limited (“L & Leung” or “Plaintiff”), third-party defendant Andrew Leung (“Leung”), defendant and counterclaim-plaintiff Collection XIIX Ltd. (“Collection”), and defendant and counterclaim-plaintiff Lisa Nunziata (Nuziata, and, together with L & Leung, Leung, and Collection, the “Parties,” each a “Party”), through their undersigned counsel, hereby submit this joint report in compliance with Federal Rule of Civil Procedure 26(f).

**I. RULE 26(f) CONFERENCE**

Undersigned counsel certify that, on Wednesday, February 28, 2018, they conferred by phone and discussed the nature and basis of the parties’ claims and defenses and any possibilities for achieving a prompt settlement or other resolution of the case, discussed

exchanging disclosures required by Rule 26(a)(1), and developed the proposed discovery plan set forth below.

## **II. PROPOSED DISCOVERY PLAN**

### **A. Changes in Requirements for Rule 26(a) disclosures**

The Parties do not propose any changes to the timing, form, or requirement for disclosures under Rule 26(a). The Parties will exchange their Rule 26(a) disclosures on March 19, 2018.

### **B. Discovery Subjects and Timing**

At least one of the Parties anticipates that discovery will be needed on the following subjects:

1. Whether Nunziata breached the 2009 agreement between Nunziata and L & Leung.
2. Whether L & Leung breached the 2009 agreement between Nunziata and L & Leung.
3. Whether L & Leung breached its implied duty of good faith and fair dealing to Nunziata.
2. Whether Nunziata and Collection misappropriated L & Leung's business in the U.S.
3. Whether Metamorphosis New York, Inc. merged into Collection.
4. Whether Nunziata and/or Collection misappropriated monies belonging to L & Leung.
5. Whether Nunziata and/or Collection wrongfully interfered with L & Leung's relationships with its clients in the U.S., including by making false and fraudulent statements to those clients.
7. Whether L & Leung and/or Leung defamed Nunziata and/or Collection.
6. Whether L & Leung and/or Leung wrongfully interfered with (a) Nunziata and/or Collection's existing and prospective contractual relationships with their clients, and/or (b) Nunziata's relationship

with Collection, including by making false and defamatory statements to those clients and Collection.

8. Whether Leung breached his duty of loyalty to Metamorphosis New York, Inc. and/or his fiduciary duty to Nunziata.

The Parties propose that all discovery, including depositions of expert witnesses pursuant to Fed. R. Civ. P. 26(6)(4), shall be completed (not propounded) by September 7, 2018.

Discovery will not be conducted in phases or be limited to particular issues.

**C. Issues with Electronically Stored Information**

Undersigned counsel have discussed the disclosure and preservation of electronically stored information, including, but not limited to, appropriate steps to preserve electronically stored information.

**D. Claims of Privilege and Protection**

Undersigned counsel have discussed discovery procedures that minimize the risk of waiver of privilege or work-product protection, including procedures for asserting privilege claims after production.

**E. Changes to Limitations on Discovery**

The Parties do not believe that any changes should be made in the limitations on discovery imposed under the Federal Rules of Civil Procedure or the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York.

**F. Other Orders**

The Parties do not seek issuance of any other orders under Rule 26(c) or under Rule 16(b) or (c) at this time.

Dated: New York, New York  
March 1, 2018

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Andrew Leung*

Dated: New York, New York  
March 1, 2018

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Ltd.*